

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16231 of the Alexander Graham Bell Association for the Deaf, pursuant to 11 DCMR 3107.2, for a variance to allow structural alteration to a building devoted to that nonconforming use (Subsections 2002.4 and 2002.5) and a variance from the number of stories requirement (Subsection 400.1) for renovation and a fourth story addition to a structure devoted to a nonconforming nonprofit office use in an R-3 District at premises 3417 Volta Place, N.W. (Square 1274, Lot 173).

HEARING DATE: September 17, 1997

DECISION DATE: September 17, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by public in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, filed a written statement expressing no objections to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of providing the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2002.4, 2002.5, and 400.1. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations and that the requested relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application is **GRANTED**.

Pursuant to 11 DCMR 3101, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0 (Laura M. Richards, Betty King, Sheila Cross Reid and Susan Morgan Hinton to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS

Director

FINAL DATE OF ORDER: OCT 14 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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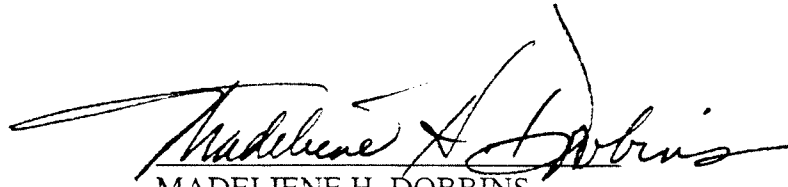
BZA APPLICATION NO. 16231

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on OCT 14 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dr. Donna McLord Dickman
3417 Volta Place, N.W.
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Outerbridge Horsey
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Washington, D.C. 20007

Fran Goldstein, Chairperson
Advisory Neighborhood Commission 2E
3928 Highwood Court, N.W.
Washington, D.C. 20007


MADELIENE H. DOBBINS
Director

DATE: OCT 14 1997